HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No. 852 of 1991

Between:

M/s Atlanta Construction Company
(India) Ltd represented by its Power of
Attorney V.K.Chandrahas … Petitioner

And

State of Andhra Pradesh represented by
Secretary to Government,
Public Works Department and others
… Respondents

:: ORDER::

Counsel for Petitioner: Sri G.Dhananjai

Counsel for the Respondents: Special Government Pleader

March 29, 2006

This petition is directed against communication dated January 4, 1991 issued by Project Director (R & B) Special National Highway (ADB) Circle, Visakhapatnam vide which the petitioner was called upon to comply with the conditions of tender notice with an indication that if it fails to do so, earnest money deposit will be forfeited and it shall be debarred from bidding for the work in the event of re-invitation of tender.

After arguing the case at length and having realised that on the basis of the pleadings as constituted in the form of affidavit of
Sri V.K.Chandrahas, Deputy Project Manager of the petitioner company and the documents placed on record, he will not be able to persuade the Court to nullify the impugned communication, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to file fresh one by incorporating the developments which took place after January 9, 1991

Learned Special Government Pleader says that the Court may not accept the belated prayer made by the counsel for the petitioner.

Although, there appears some merit in the objection raised by the Special

Government Pleader, I deem it proper to accept the prayer made by the learned counsel, because it is settled law that the party should not suffer on account of the mistakes and lapses committed by the counsel.

In the premise aforesaid, the writ petition is dismissed with liberty to the petitioner to file fresh one by incorporating the developments which have taken place after January 9, 1991.

As a sequel to the dismissal of the writ petition as withdrawn, all interim orders passed by this Court shall stand automatically vacated.

G.S. SINGHVI, CJ

March 29, 2006

GRR/vtv